

COMMENTARY:

Equity and state representations in climate negotiations

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Current United Nations structures are highly inequitable and obstruct progress towards international climate policy cooperation.

We have entered an era where ecosystems are dominated by humans in a globalized, interconnected and interdependent world — the Anthropocene¹. Large-scale global environmental changes and their broader impacts transcend national boundaries and raise difficult issues of justice. This makes government interventions through conventional rulemaking highly problematic. Over the past five decades, multilateral institutions and global governance mechanisms have emerged to address those environmental challenges, but with mixed success². To avert irreversible global change, fundamental and radical transformations of existing governance practices are now needed³. Indeed, state function has shifted from “a role based in constitutional powers toward a role of coordination and fusion of public and private resources,” where states have become “increasingly dependent on other social actors”⁴. Also, the boundaries between who constitutes an ‘authorized’ representative (and who does not)⁵ and who has agency⁶ have shifted. Experts have explored the question of who are considered ‘expert’ or ‘authority’ agents to speak for the climate, and how they do so^{7,8}.

Attendance at the international negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) has changed both in terms of the number and diversity of ‘expert agents’. Overall, the number of delegates went from 757 individuals representing 170 countries at the first Conference of the Parties (COP) in 1995 to 10,591 individuals from 194 countries attending COP15 in 2009 (13,482 representatives from 937 observer organizations were able to register for COP15 but many more had been nominated). This is a 14-fold increase (1,400%) in attendees over this time period. Figure 1 shows trends in delegation sizes by

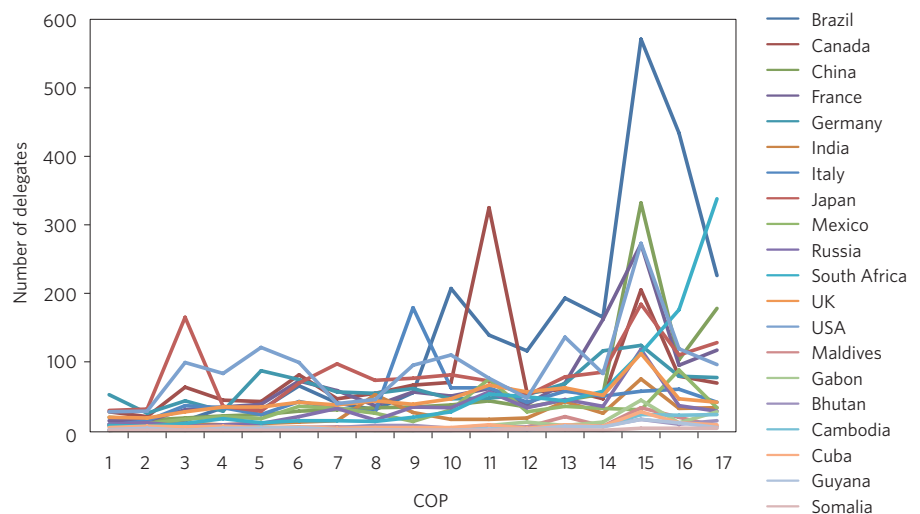


Figure 1 | Change in size of national delegations to COPs (COP1–COP17). This data is based on the official UNFCCC lists of participants of COPs. The names and affiliations of all delegates listed in these documents from 20 selected countries were entered into a database and graphs were generated. Based on their centrality to ongoing negotiations, along with their levels of greenhouse-gas emissions, the countries selected for this research include all G8 countries (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States) and all +5 countries, that is, the large emerging economies (Brazil, China, India, Mexico and South Africa). In addition, we selected seven developing countries based on their susceptibility to socio-economic inequality, sea-level rise and storm surges, and tropical deforestation (Bhutan, Cambodia, Cuba, Gabon, Guyana, Maldives and Somalia).

country. Small developing countries have consistently downsized their delegations to COPs, whereas G8 (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States) and +5 (Brazil, China, India, Mexico and South Africa) countries have increased their own delegations, with the exception of the United States, who after withdrawing from the Kyoto Protocol started to send fewer delegates to COPs.

Different delegation sizes to negotiations reflect different priorities, with some countries less interested than others to push or stall a climate change agreement. It also reflects different capacities; poor

countries cannot afford to send large delegations and their level of expertise usually remains significantly below that of wealthier countries. This ‘capacity gap’ — only partly mitigated through assistance from non-state actors (NSAs) such as the Climate Action Network — limits poor countries’ negotiating power and makes their participation in each session less effective. Furthermore, many sessions take place in parallel, span a wide range of issue areas and continue into the night during the final ‘push’ for agreement at the end of a conference. As a result ‘negotiation by exhaustion’ constrains smaller delegations much more severely than larger ones. Also,

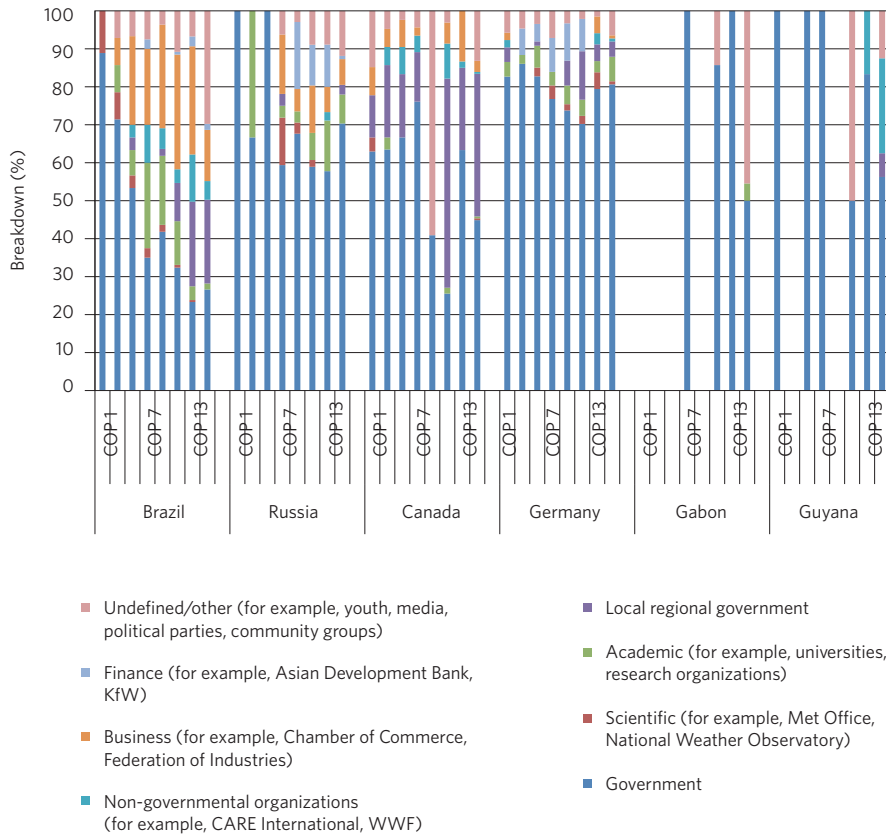


Figure 2 | Change in COP delegation composition for a random sample of countries. This graph shows the delegation composition for every other year: COP1, COP3, COP5, COP7, COP9, COP11, COP13 and COP15.

countries that host a COP usually attend with a larger delegation given their special role during the conference.

Figure 2 illustrates the diversity of state actors and NSAs in selected delegations at a subset of COPs. Countries have adopted different approaches to inviting representatives from various expert or

interest groups. Some countries send particularly large representations from business associations (Brazil), local government (Canada) or science and academia (Russia). Similarly, there is significant variation in the representation of different government departments, as shown in Fig. 3. These variations

suggest that the climate change issue and its associated interests are framed quite differently across countries. For small developing countries such as Bhutan and Gabon the majority of government representatives come from environment, forestry and agriculture, whereas the UK has shifted from a prominence of environment, forestry and agriculture to energy and natural resources, and the US has shifted from these more conventional areas to an overwhelming representation from the US Congress at COP15. Parliamentary representation as well as foreign affairs and environment, forestry and agriculture have been strong consistently for Mexico. China's traditional emphasis was on foreign affairs and on economics, planning, trade and industry; the country has now shifted to a much stronger emphasis on foreign affairs and less on economics, as well as including many other ministries. For each country examined the number of different government departments represented has increased.

We also observe an increase in participation by NSA representatives, both inside and outside national delegations; this is an indication of the interest of NSAs to participate in international agenda setting and mobilization of climate change mitigation and adaptation efforts⁹. Therefore the boundaries between national delegations and observer organizations continue to blur. The question is how the endeavours of NSAs can best be supported and strengthened¹⁰. Overall, our work here shows an increasing trend in the size of delegations on one side and a change in the intensity, profile and politicization of the negotiations on the other. NSAs are well represented on national delegations, but clearly the government decides who is included and who is not, and what the official negotiating position of the country and its level of negotiating flexibility are.

Of the various pathways to decision-making, the UNFCCC process has continued with consensus decision-making¹¹. The framework convention, adopted in 1992, stipulates that the COP “shall, at its first session, adopt its own rules of procedure”¹². During its 17 years of meetings, it has not been able to do so because of disagreement over the question of majority voting. Many have argued that moving to majority voting would help reach agreement³. Our longitudinal analysis of the size and composition of COP country delegations allows us to discuss how this consensus decision-making approach may be constraining progress on climate mitigation and adaptation policy

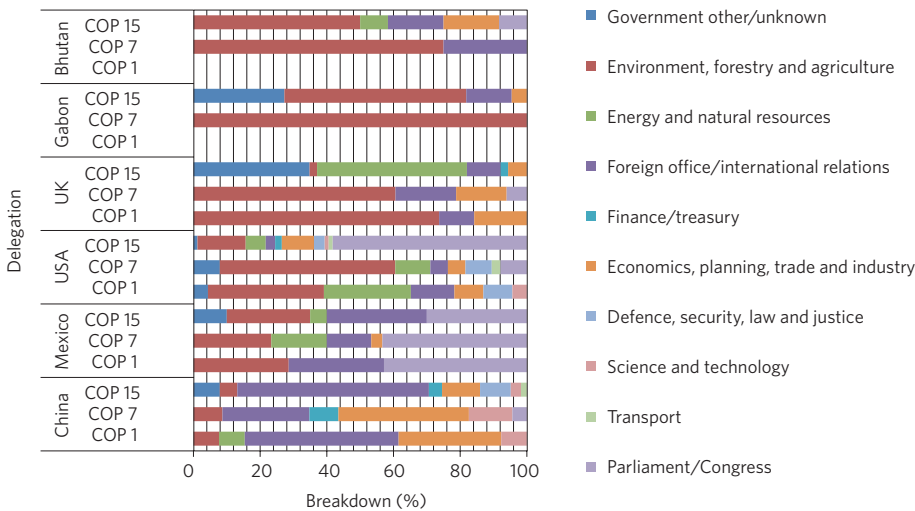


Figure 3 | Change in government representation by department for selected countries and COPs.

action. At an inter-delegation level, we have shown how resource disparities have been perpetuated and exacerbated across countries. Consensus-based decision-making therefore stifles progress and contributes to negotiating deadlocks, which ultimately hurts poor countries more than rich countries. Moving forward we recommend that countries consider capping national delegations at a level that allows broad representation across government departments and sectors of society while maintaining a manageable overall size. We also argue for a stronger role of constituencies in the UNFCCC (including business, environmental non-governmental organizations, local government, indigenous peoples, youth and so on). Finally, formal and informal arenas such as negotiations and side events on specific topics at COPs, for example adaptation finance or addressing drivers of deforestation, could be joined up in innovative ways¹³ to facilitate exchange of ideas and foster dialogue among various stakeholders.

Our analysis (and public opinion regarding developments in the policy and public arenas¹⁴) shows that the time is long

overdue for changes to institutions and structures that do not optimally support present conditions and demands for mitigation and adaptation agreements. By supporting efforts to move from anecdotal observations of these issues to empirical documentation, we hope to enable more productive evaluation of alternatives for improvement. Overall, UN bodies must recognize that antiquated architectures serve to constrain rather than compel international climate policy cooperation. If we are to address the ongoing global changes of twenty-first century, these Anthropocene politics and processes need to change dramatically. □

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